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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,554	10/10/2001	Markus Lindqvist	4208-4026	7197

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NEW YORK, NY 10281-2101

EXAMINER

TRAN, ELLEN C

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,554

Applicant(s)

LINDQVIST ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Jun 2003 /Jun 2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: original application filed 10 October 2001.
2. Claims 1-32 are currently pending in this application. Claims 1, 2, 3, 4, 9, 10, 13, 15, 20, 21, 25, 29, and 32 are independent claims.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8 are drawn to a method of managing access right with keys and encryption, classified in class 713 subclass 171.
 - II. Claims 9-12 are drawn to content level filtering of incoming data, classified in class 725 subclass 86.
 - III. Claims 13-14 and 32 are drawn to bandwidth allocation and quality of service of a global and local computing network, classified in class 725 subclass 95.
 - IV. Claims 15-19 are drawn to distributing files over wireless link with relation to file types classified in class 725 subclass 81.
 - V. Claims 20-24 are drawn to user selection by voting on content received from a content provider, classified in class 725 subclass 15.
 - VI. Claims 25-28 are drawn to a user selection of viewing transmission sequence by the user rating classified in class 725, subclass 44.
 - VII. Claims 29-31 are drawn to wireless distribution of with global and local service definitions, classified in class 370 subclass 345.
4. The inventions are distinct, each from the other because of the following reasons:

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Inventions I through VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention (I) has separate utility such as a method of managing access rights with keys and encryption; invention (II) has separate utility such as content level filtering of incoming data; invention (III) has separately utility such as bandwidth allocation with specifications on quality of service; invention (IV) has separate utility such as wireless link with classification of the type and format of data transferred; (V) has separate utility such as a user voting mechanism; (VI) has separate utility such as sequence of transmission ordering in relation to user selection; (VII) has separate utility such as wireless distribution with local and global service providers. In addition the invention shows this distinction by the independent claims themselves which all claim a separate invention. (See MPEP § 806.05(d)).

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II-VII, the search for Group II is not required for Groups I & III-VII, the search for Group III is not required for Groups I, II, & IV-VII, the search required for Group IV is not required for Group I-III, & V-VII, the search required for Group V is not required for Groups I-IV, VI, & VII, the search required for Group VI is not required for Groups I-V & VII, and the search required for Group VII is not required for Groups I-VI;

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restriction for examination purposes as indicated is proper.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the -fee required under 37 CFR 1.17(i).

8. On 22 June 17, 2005, examiner spoke with attorney of record Peter Fill at (212) 415-8536, who indicated that the applicant elects Group VII with traverse, therefore claims 29-31, are currently pending, claim 29 is an independent claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

4. **Claims 29-31** are rejected under 35 U.S.C. 102(e) as being anticipated by Feinleib et al. U.S. Patent Application Publication No. 2005/0028195 (hereinafter '195).

As to independent claim 29, “A system for distribution of content over a wireless link, comprising” is taught in '195 page 2, paragraph 0029

“one or more global caster modules for receiving content meant for distribution to all locations in a network” is shown in ‘195 page 2, paragraphs 0026-0028 and FIG. 1 (The global caster modules are interpreted equal to content provider server);

“one or more local caster modules for receiving content meant for distribution to only certain location in said network; and” is disclosed in ‘195 page 2, paragraph 0023 (Note it is interpreted in light of the specification that “the content meant for distribution to only certain location in said network” is meant for the user of enhancing content that is sent to a multicast address);

“one or more transmission devices associated with at least one of the modules” is taught in ‘195 page 1 paragraphs 0012-0013 and page 2, paragraph 0029.

As to dependent claim 30, **“one or more broker modules, each broker module receiving content from at least one local caster module and at least one global caster module”** is shown in ‘195 page 2, paragraph 0026.

As to dependent claim 31, **“each of said one or more transmission devices is associated with one or more of said broker modules”** is disclosed in ‘195 page 2, paragraph 0027.

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Conclusion

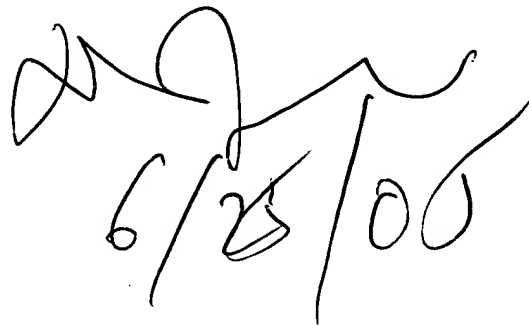
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
Technology Center 2134
17 June 2005

David Y. Jung
Primary Examiner



6/25/06